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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) NO. CR 13-030 RS
13)
14 Plaintiff,) [PROPOSED] ORDER EXCLUDING TIME FROM
15 v.) MAY 7, 2013 TO MAY 28, 2013
16)
17 HERBERTH NOEL AYALA,)
Defendant.)
18

19 The defendant, Herberth Noel Ayala, represented by Edward Hu, Assistant Federal Public
20 Defender, and the government, represented by Laura Vartain Horn, Assistant United States Attorney,
21 appeared before the Court on May 7, 2013, for a change of plea. Counsel for the defendant indicated
22 that his client needed additional time to confer with his counsel. The Court re-set the change of plea for
23 May 28, 2013, and if no change of plea is entered at that time, the matter will be set for trial. Defense
24 counsel requested that time be excluded under the Speedy Trial Act between May 7, 2013 and May 28,
25 2013, because he needed the remaining period of time to meet with his client and for effective
26 preparation. The government stated it had no objection to excluding time.

27 Based upon the representation of counsel and for good cause shown, the Court finds that failing
28 to exclude the time between May 7, 2013 and May 28, 2013 would deny counsel the reasonable time

1 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
2 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between
3 May 7, 2013 and May 28, 2013, from computation under the Speedy Trial Act outweigh the best
4 interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that
5 the time between May 7, 2013 and May 28, 2013, shall be excluded from computation under the Speedy
6 Trial Act. 18 U.S.C. § 3161(h)(7)(B)(iv).

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9 DATED: 5/8/13


The Hon. Richard Seeborg
United States District Judge